IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

WA.No. 1735 of 2007

AGAINST THE JUDGMENT IN O.P.NO.32366/2002 DATED 14.3.2007 OF THIS COURT

APPELLANT: RESPONDENT:

STATE BANK OF TRAVANCORE,
HEAD OFFICE, POOJAPPURA,
THIRUVANANTHAPURAM,
REPRESENTED BY ITS MANAGING DIRECTOR.

BY ADV. SRI.M.PATHROSE MATTHAI (SR.)
SRI.SAJI VARGHESE

RESPONDENTS: PETITIONERS:

1. N.RAJASEKHARAN NAIR, FORMERLY BILL COLLECTOR,
S.B.T.VELLAYAMBALAM BRANCH, RESIDING AT 'VYASALI',
T.C.39/349, CHAIYARA, POOJAPPURA, TRIVANDRUM.

2. V.SADASIVAN PILLAI,
FORMERLY RECORD KEEPER, S.B.T. VELLAYAMBALAM
BRANCH, RESIDING AT RANI BHAVAN,
KARAKULAM, THIRUVANANTHAPURAM.

3. K.BALACHANDRAN NAIR, FORMERLY CASHIER IN CHARGE,
STATE BANK OF TRAVANCORE,
OTTASEKHARAMANGALAM BRANCH, RESIDING AT 'KAVITHA',
NEMOM P.O., THIRUVANANTHAPURAM-20.

BY ADV. SRI.G.SUDHEER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN,J.

W.A. NO. 1735 OF 2007

Dated this the 20th July, 2007

JUDGMENT

H.L.DATTU, C.J.

This Writ Appeal is preferred against the judgment of the learned single Judge in O.P.No.32366 of 2002, dated 14th March, 2007. The learned single Judge has directed the appellant Bank to treat the first petitioner in the same way that the Bank has treated the second and third petitioners. The learned single Judge has adopted the concept of the equals to be treated equally and not unequally and if it is done, it would be violative of Article 14 of the Constitution.

2. Petitioners 1 to 3 (respondents in the Writ Appeal) were awarded punishment of discharge from service by the appellant Bank for certain acts of misconduct said to have been committed by them while they were in service. After such discharge from service, the Bank has granted the full pension to second and third petitioners and in the case of first petitioner, has granted only 2/3 pension. The allegation of the first petitioner before the Court was that the second and third petitioners are similarly placed like him, in the sense, they were also discharged from service and if that is so, the Bank could not have granted full pension to the second and third petitioners and denied the same to the first petitioner.

3. Learned single Judge, after considering the aforesaid issue, has come to the conclusion that all the petitioners were discharged from service and if the Bank has granted full pension to the second and third petitioners,

there is no rhyme or reason for the Bank to grant only 2/3 pension to the first petitioner. As we have already noticed, by adopting the concept of the equals to be treated equally, the learned single Judge has directed the appellant Bank to grant full pension to the first petitioner also. Questioning the aforesaid finding of the learned single Judge, the Bank is before us in this appeal.

4. Learned senior counsel, Sri.M.Pathros Mathai would submit that the Bank does not have any scheme or regulation for the purpose of awarding pension and, therefore, as a matter of right, the first petitioner cannot be seeking a direction from this Court for granting full pension as has been done in the case of second and third petitioners. Therefore submits that the learned single Judge was not justified in directing the Bank to grant the same pensionary benefits to the first petitioner also as has been done in the case of second and third petitioners.

5. We are not impressed by the submissions made by the learned senior counsel. It is not in dispute that second and third petitioners were also discharged from service by the appellant Bank for certain acts of misconduct said to have been committed by them while in service. The first petitioner is also discharged from service. If the Bank has granted full pension to the second and third petitioners, there is no reason for the Bank to deny the same benefit to the first petitioner also. Equals to be treated equally is the basic concept of the Constitution. If that is violated, it would be hit by Article 14 of the Constitution of India. Keeping that aspect of the matter in view, the learned single Judge, in our opinion, has rightly directed

the appellant Bank to grant the full pensionary benefits to the first petitioner also as has been done in the case of second and third petitioners.

6. In our opinion, the judgment rendered by the learned single Judge does not suffer from any error whatsoever, which would call for our interference. Therefore, the Writ Appeal requires to be rejected and it is rejected.

Ordered accordingly.

(H.L.DATTU)
Chief Justice

(K.T.SANKARAN)
Judge

ahz/